ipso. independent press standards organisation

Paper No. 1670

CONFIDENTIAL

MINUTES of the COMPLAINTS COMMITTEE MEETING
Wednesday 13 March 2019 at 10.45am
Gate House, 1 Farringdon Street, London EC4M 7LG

Present
Alan Moses (Chairman)
Richard Best
Andrew Brennan
Lara Fielden
Janette Harkess
David Hutton
Mark Payton
Andrew Pettie
Miranda Winram
Peter Wright

In attendance:
Michelle Kuhler, PA and minute taker
Bianca Strohmann, Head of Complaints
Matt Tee, Chief Executive
Charlotte Urwin, Head of Standards

Also present: Members of the Executive:

Katrina Bell
John Buckingham
Rosemary Douce
Jonathan Harris
Sophie Malleson
Thomas Moseley
Madeline Palacz
Lauren Sloan

Observers: Jonathan Grun, Editors' Code of Practice Committee

1. Apologies for Absence

Apologies were received from Nazir Afzal and Helyn Mensah.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 30 January.

4. Update by the Chairman – oral

The Chairman updated the Committee on recent events. His meeting with Jackie MP and updated the Committee on discussions about IPSO's budget.

5. Matters arising

There were no matters arising.

6. Complaint 07445-18 Just Yorkshire v The Times

The Committee discussed the complaint and ruled that the complaint should be upheld in part under Clause 1. A copy of its ruling appears in **Appendix A.**

7. Complaint 07925-18 Partlett v express.co.uk

The Committee discussed the complaint and ruled that the complaint should be upheld. A copy of its ruling appears in **Appendix B.**

8. Complaint 06046-18 Sher-e Panjab v The Sun

The Committee discussed the complaint and ruled that the complaint should not be upheld. A copy of its ruling appears in **Appendix C.**

9. Discussion Paper: Anonymity in published decisions

The Head of Complaints introduced the paper. The Committee discussed and agreed amendments.

10. Guidance on reporting major incidents

The guidance was introduced by the Head of Standards, giving the Committee an overview of the background that led to the production of the guidance. She invited the committee to give feedback on the contents as discussions with senior compliance and the executive are still ongoing. She finished by informing the Committee that the Society of Editors will be hosting an event for the topic.

11. Complaints not adjudicated at a Complaints Committee meeting

The Committee confirmed its formal approval of the papers listed in **Appendix D.**

12. Any other business

There was no other business.

13. Date of next meeting

The date of the next meeting was confirmed as Wednesday 24th April 2019.

The meeting ended at 1.15pm

APPENDIX A

Decision of the Complaints Committee

07445-18 Just Yorkshire v The Times

Summary of complaint:

1. Just Yorkshire complained to the Independent Press Standards Organisation that The Times breached Clause 1 (Accuracy) and Clause 12 (Discrimination) of the Editors' Code of Practice in the following articles:
   - "Terror police boost MP's security over criticism of Asian sex gangs", published in print and online on 25 July 2018
   - "MP faced fury for sex gangs article", published in print and online on 25 July 2018;
   - "Charitable trust facing questions over funding", published in print and online on 25 July 2018;
   - "True Champion", published in print and online on 25 July 2018;
   - "Javid orders research into ethnic origin of sex grooming gangs", published in print and online on 26 July 2018;
   - "Criticising Muslim's doesn't make you a racist", published in print and online on 26 July 2018;
   - "Terror link to charity", published in print and online on 28 July 2018.

2. The articles under complaint reported on criticism which a Member of Parliament had received following an opinion piece which she had written in August 2017 regarding the sexual abuse of girls in her Rotherham constituency. In the piece, the MP had claimed that "Britain has a problem with British Pakistani men raping and exploiting white girls".

3. The fourth, fifth and sixth articles reported that the MP's comments had resulted in her receiving threats, including death threats; they also reported that there had been an increase in concerns over her security. The articles identified the complainant, a racial justice charity, as one of the MP's critics. In March 2018, the complainant published a report titled, "A Temperature Check Report", which sought to "understand and assess the impact" of the MP's comments amongst the Pakistani community of Rotherham. The charity surveyed 165 people and found that the MP's article had "dismayed an entire community"; "an overwhelming number of respondents considered the comments to be racist"; and that she was "deliberately attacking a whole community and race".

4. The first article was published on the newspaper's front page. It reported that "an MP who received death threats after condemning the sexual abuse of girls by groups of British Pakistani men has been given increased security amid fears that hard-left and Muslim opponents are trying to force her from office". The article continued onto page 7; it was headlined: "Security stepped up after scathing report led to death threats". Referring to the complainant's March 2018 report, the article said: "The Times understands that the report led to death threats against [the MP]. Scotland Yard's counterterrorism unit increased her security risk level and she was advised to accept extra protection".

5. The first article also identified by name a number of individuals associated with Just Yorkshire, including its director. One man was described as a "radical academic", and the article claimed that he was a "leading figure" in the charity.

6. The second article criticised the hostile backlash which the MP had received following her comment piece. The third article identified one of the complainant's funders, a Trust, and criticised the financial support it had given to the complainant. Both articles described the complainant's report as an "attack" on the MP, and said that the complainant had accused the MP of "fanning the flames of racial hatred'".

7. The fourth article was a leader column which called for support for the MP. It identified one of the complainant's funders, a Trust, and said that it was "implicated in the saga in which the Labour MP of Rotherham, has received death threats for condemning the sexual abuse of girls by Pakistani men. Just Yorkshire, which is largely funded by [Trust], focuses on racial justice in Rotherham. Its leader has accused [the MP] of 'inciting and inviting hatred against minorities' for highlighting the ethnic heritage of the men involved in the 2014 Rotherham sex-grooming scandal. As a result [the MP's] police protection has had to be increased".

8. The fifth article reported that the Home Secretary had ordered research into why men convicted of grooming-gang sex crimes are "disproportionately of Pakistani origin". The article reflected on the newspaper's own coverage the previous day; it said that it had revealed that "[the MP] was receiving increased security detail after her comments let to death threats and alleged moves by hard-left and Muslim opponents to force her from her Rotherham constituency". It reported, "counterterrorism officers increased [the MP's] security risk level in March after she received death threats. A report by Rotherham-based racial justice charity had accused her of "fanning the flames of racial hatred" and acting like a "neo-fascist murderer".

9. The sixth article was an opinion piece, in which the columnist criticised the backlash which the Member of Parliament had received for her comments. He said, "Activists who have denounced Rotherham MP are trying to shut down debate about real problems in their community"; yesterday we revealed that accusations of racism against [the MP] and consequent threats to her on social media had been ramped up by a report published by a so-called racial justice charity". The columnist named Just Yorkshire's director, and said that he had accused [the MP] of "industrial-scale racism".

10. The seventh article referred to the Trust which had been identified in the third and fourth article, and criticised its decision to fund a separate group which was allegedly involved in terror related activities. The article also criticised other funding decisions which the Trust had made, including its decision to fund the complainant. The article reported, "The Times reported this week that the Quaker organisation had given £550,000 to a group that accused a Labour MP of 'industrial- scale racism' for highlighting the sexual abuse of girls by gangs of British Pakistani men". It reported that the Charity Commission's director of investigations and enforcement had said that "it had opened an investigation into Just Yorkshire for its attack on [the MP]"; it quoted the director as saying, "we are examining the administration of the charity and scrutinising some of its activities".

11. The articles were published in substantially the same form online, under the following headlines:
    - "Terror police boost security for MP [name] over criticism of Asian sex gangs";
    - "Rotherham MP [name] faced fury for sex gangs article in The Sun";
    - "Cash awards by Joseph Rowntree Charitable Trust are questioned";
    - "True Champion";
    - "Savid Javid orders research into ethnic origin of sex grooming gangs";
    - Criticising Muslims doesn't make you racist";
    - "British charity gave €310,000 to group linked with the INLA".

12. The complainant said that the newspaper had, over a series of seven articles spanning four days, perpetuated to its readers the false and damaging impression that the publication of its March 2018 report had led to death threats against the MP. The complainant said that there was no evidence for this inaccurate claim, which had been made twice in the first article under complaint. It said that the newspaper had denied the charity a proper right of reply or any opportunity to comment on the articles' serious claims.

13. The complainant said that when it had published "A Temperature Check" report in March 2018, there had been no publicity, save for one article in the Big Issue North and an item on Radio Sheffield. It said that there were no media reports of death threats of any kind against the MP in the period following the publication of the March 2018 report, until the first article was published on 25 July 2018. The complainant said that the newspaper's coverage had, in fact, led to a series of threats, including rape and death threats, being made against the charity and its staff.

14. The complainant said that the fourth, fifth and sixth articles had all referred to death threats without any direct reference to the cause. It said that since Just Yorkshire had been identified in these articles, and given the inaccurate allegation which had been made twice in the first article, readers would inevitably have associated these death threats with its report.

15. The complainant denied that the March 2018 report had resulted in a response from the Metropolitan Police's counter-terrorism unit. The complainant disputed that the publication of its report had resulted in the police "stepping up" the MP's security or that it had resulted in her "security risk level" being increased. The complainant said that the police had confirmed that the charity was not the subject of any investigation relating to death threats received by the Member of Parliament.

16. The complainant said that the seventh article was misleading in its presentation of the actions of the Charity Commission.

17. The complainant said that it was inaccurate to report that, at the time of publication, the Charity Commission had "opened an investigation" into the charity for its "attack" on [the MP], for two reasons. First, it had been engaging with the Charity Commission since January 2018; this pre-dated the "A Temperature Check" report and the coverage in The Times. Second, the statement which had been issued by the director of the Charity Commission's director of investigations and enforcement, namely that the Commission was "examining the administration of the charity and scrutinising some of its activities", had related to another report published in August 2017, which was unconnected to the March 2018 report.

18. The complainant further said that it was inaccurate for the seventh article to describe its actions as being an "attack" on the MP.

19. The complainant acknowledged that the Commission had written to it on 26 July 2018, specifically in relation to the newspaper's coverage. The complainant provided a copy of that email to IPSO. In it, the Commission had requested that the complainant "provide [its] response to the Commission concerning the articles which have been published in the media yesterday and today concerning the Charity". The Commission had also noted in this email that its engagement with the charity was "ongoing" and this further response "will be considered as part of these ongoing discussions with the Charity's trustees". The complainant said that it had responded to the Commission's inquiry, but had not heard further from the Commission.

20. The complainant expressed concern that it had been identified in the seventh article, which was predominantly concerned about the decisions of a Trust to groups allegedly involved in terror related activities. It said that the fact that the article had identified Just Yorkshire as having been funded by this Trust, suggested that it was part of a general policy by the Trust to give grants to charities involved in alleged terror activities.

21. The complainant said that all of the articles under complaint had reported its "A Temperature Check Report" in a biased and misleading manner, in breach of Clause 1. It was not a "scathing" report, as claimed. The complainant noted that the articles had not mentioned any of the caveats which were included in the report; in particular, the fact that it had acknowledged that it was only focused on one section of a local community, and that the impact of the MP's comments could only be determined by the Police or Rotherham Council. The complainant further said that the articles had quoted selectively from the report. It accepted that the preface had accused the MP of "fanning the flames of racial hatred" and acting like a "neo-fascist murderer", but said that the articles had failed to provide the context in which these words had been used.

22. The complainant said that it was inaccurate to report that its director had accused the MP of "industrial scale racism". In fact, he had accused her of "bordering on industrial scale racism"; the complainant said that the reported phrase over dramatized what had been said in a press release published shortly after the MP had written her opinion piece. The complainant further said that the "radical academic" referred to in the first article, was not a "leading figure" in the charity.

23. The complainant said that the seven articles were discriminatory, in breach of Clause 12. It suggested that the newspaper's focus on the charity's actions, was because most of its members are from a Pakistani heritage, and therefore were believed by The Times to be Muslim. The complainant said that the articles had prompted a series of racially motivated threats. It further said that the article had named its director and identified him as an author of the March 2018; it said that singling out this individual, was in-and-of itself an act of discrimination. The complainant further said that when approached by the journalist over the phone prior to publication, its staff were questioned about their religion.

24. The newspaper accepted that it was inaccurate to report in the first article that the complainant's March 2018 report had been officially associated with death threats which had been made against the MP. It said that the remaining articles under complaint did not suggest that the March 2018 report had led to the MP receiving death threats. The newspaper said that the error in the first article was a slip, in a series of seven articles which had accurately reported that the MP had received serious, significant and distressing threats, including deaths threats, since the publication of her opinion piece. The newspaper said that in that context, the error which had been made twice in the first article was not a significant inaccuracy; however, it accepted that no death threats received at the time were attributable to the complainant's report.

25. In light of this, the newspaper published the following correction in its established Corrections and Clarifications column on 24 December 2018:

"Our article about [name] MP's security protection being increased (News, 25 July) suggested that a report by the charity Just Yorkshire had led to death threats against [name]. In fact, as was made clear elsewhere in our coverage, whilst the report led police to increase her security protection, no death threats made at that time were attributable to the report. We are happy to make this clear".

26. The newspaper also amended the first article and published the following footnote to record the change which was made. The newspaper also offered the complainant an opportunity to submit a letter to the Editor:

"This article was amended on 5 November 2018 to make clear that whilst Just Yorkshire's report let police to an increase in [name] security protection, no death threats made at that time were attributable to the report".

27. The newspaper said that it was informed by trusted and highly reliable and credible sources, that the MP's life had been threatened both before and after the publication of the March 2018 report. These sources had also claimed that the publication of the report, and its contents, had increased counter-terrorism police's already significant concerns about the potential risk to the MP's security, and had led directly to their advice that she should increase her security protection, which duly happened. The newspaper said it was unable to provide further details regarding how it was sure this information was accurate, because of the need to protect its confidential sources.

28. During the course of IPSO's investigation, the newspaper provided an email from the MP, in which she confirmed that the information which the newspaper had received from its confidential sources was accurate.

29. The newspaper did not accept that the seventh article distorted the Charity Commission's actions; it was accurate to report that the Commission had "opened an investigation" into the complainant regarding its March 2018 report. The newspaper said that the journalist had approached the Commission, prior to publication, to query the outcome of a complaint which the Commission had received in April 2018 regarding the March 2018 report. The Charity Commission's response was as follows:

"As the independent charity regulator, we ensure charities comply with charity law and hold them to account for their decisions on behalf of the public, who expect charities to uphold the highest standards of conduct and ethics. An important part of our role as regulator is to identify and carefully examine serious concerns about charities. We are already in regulatory engagement with Just West Yorkshire about the charity's administration and research activities. On [Trust], our guidance makes clear that charities need to take steps to carry out appropriate due diligence on organisations applying for grants, must ensure grants are only for activities and outcomes that further the charity's purposes and decisions made are in charity's best interests. Charities should be able to explain and justify their funding decisions. We have asked the charity to do this. If we need to take action in either case, we will not hesitate to do so."

Our concerns about Just West Yorkshire

"We can confirm that we have an ongoing compliance case into Just West Yorkshire, triggered by complaints we received, and that we are scrutinising some of the charity's activities. We are examining the administration of the charity and trustees' decision-making around its research work. We recently held a meeting with the trustees. Our enquiries are ongoing and have not yet decided on next steps. Our case predates the story published in the Times earlier this week; we have contacted the charity for its response to the concerns raised."

30. The newspaper said that it was justified in its use of the word "investigation" on the basis that the Commission was dealing with complaints, making enquiries, engaging with the charity, scrutinising the activities in relation the March 2018 report, and had confirmed that it had an ongoing compliance case with the complainant.

31. The newspaper did not accept that the difference between the claim "bordering on industrial scale-racism" and "industrial scale racism" was material or significant. The newspaper said that plainly, if the scale of racism is "bordering on industrial", that is so vast that it makes no appreciable difference to describe it as "industrial". It said that the scale of the racism and the amplitude of the insult was the same in both cases.

32. The newspaper said that it was accurate to describe the academic referred to in the first article, as a leading figure in the charity. It said that it had noted to the charity's chair, prior to publication, that when the report into the MP's conduct was published by the charity, the Companies House records still showed the academic as a director. The newspaper said that, at the date of the article's publication, the man had been listed as a trustee of the charity on its own website; there was therefore no need for the journalist to make further enquiries as to his status within the charity – not least because it did not describe him as a trustee. In addition, the publication said that the man had been a trustee of the charity for 19 months, during which time he had co-authored a report on its behalf into Prevent, for which the charity had to apologise.

33. The newspaper rejected the complainant's argument that the articles under complaint represented a breach of Clause 12, in isolation, or when taken as a whole. It said that reporting matters of public interest which raise issues affecting Muslims is not itself racist or discriminatory. It said that none of the articles referred prejudicially or

pejoratively to any individual's race, colour or religion and therefore the terms of Clause 12 were not engaged.

34. The complainant said that the correction published by the newspaper failed to meet the terms of Clause 1(ii). It said that the first article did not "suggest" that its report had led to death threats; it had asserted it as fact. The complainant said that the correction lacked prominence and did not constitute an apology.

Relevant Code provisions

Clause 1 (Accuracy)

i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.

ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and – where appropriate – an apology published. In cases involving IPSO, due prominence should be as required by the regulator.

iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.

iv) The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.

Clause 12 (Discrimination)

i) The press must avoid prejudicial or pejorative reference to an individual's, race, colour, religion, sex, gender identity, sexual orientation or to any physical or mental illness or disability.

ii) Details of an individual's race, colour, religion, gender identity, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.

Findings of the Committee

35. The print headline to the first article on page 7, had made the categorical claim that the March 2018 report had "led" to the MP receiving death threats. This was a significant claim given its seriousness; it established a causal link between the actions of the complainant and the threats which the MP had received against her life. The newspaper had produced no evidence to support the claim made in the headline on page 7. The newspaper had failed to take care over the accuracy of the first article on this point, in breach of Clause 1(i), and a correction was required under the terms of Clause 1(ii). The Committee expressed some concern at the wording of the correction which was published, particularly the use of the word "suggested"; the headline of the first article had stated, as fact, that the March 2018 report had led to death threats. However it did make clear the correct position that no death threats made at that time were attributable to the March 2018 report.

36. The MP had confirmed that her life had been threatened both before and after the publication of the March 2018 report. She had also confirmed that the report's publication—and its contents – had increased counter-terrorism police's already significant concerns about the potential risk to her security, and led to their advice that her security protection be increased, which subsequently happened. The Committee considered the claim made in the first article, that the newspaper "understood" that the March 2018 report had led to death threats, in that context. Unlike the headline's categorical claim, the article had made clear the basis for the newspaper's belief that the report had led to death threats against MP, namely that police had increased the her security risk level and had advised that she accept extra protection. There was no further breach of Clause 1(i) in respect of the first article.

37. The fourth, fifth and sixth articles did not claim that the complainant's March 2018 report was the source of the death threats received by the MP. They accurately set out the context in which the report had been published – at a time when the MP had already received serious and significant threats, including death threats, following the publication of her opinion piece in August 2017. This aspect of the complaint did not breach Clause 1.

38. The Committee then turned to consider the remaining alleged inaccuracies subject to complaint.

39. It was clear from its correspondence, that the Commission were making inquiries relating to the complainant's March 2018 report, and were doing so in the context of an ongoing investigation into the complainant's research activities. Given that the Commission were responding to complaints and requesting further information from the complainant in relation to the contents of its March 2018 report, it was not misleading for the seventh article to report that the Commission had "opened an investigation" into the charity regarding it. This aspect of the complaint did not represent a breach of Clause 1.

40. The complainant did not dispute that the statement of the Commission's director of investigations and enforcement had been reported accurately in the seventh article and the newspaper's additional characterisation of the Commission's response to the March 2018 report was not misleading, for the reasons set out at above. The newspaper had taken care over the reporting of the Commission's activities in respect of the complainant and no misleading impression was created. This aspect of the complaint did not breach Clause 1.

41. The "radical academic" identified in the first article, had remained listed as a trustee of the charity on the complainant's own website prior to the publication of the first article. In any event, the newspaper had shown that the man had occupied an active and senior role in the charity, including assisting in the production of its published reports. The newspaper had taken care over the description of the man as a "leading figure" in Just Yorkshire and no correction was required.

42. The preface of the March 2018 report had accused the MP of fanning "the flames of racial hatred" and had likened her comments to the actions of "neo-fascists" who had murdered a Muslim man in the MP's constituency two years previously. These were serious claims levelled at an elected politician; the newspaper's characterization of the report as "scathing", an "attack" on the MP, or that the complainant had "led" criticism against her, was not misleading in those circumstances. The writer of the preface to

the report had also accused the complainant of having made "racially inflammatory remarks" and "sending out a message to the entire non-Muslim population of the country, whites especially, that our daughters are all at risk from males of Pakistani heritage". It was also accepted that a Director of the complainant had described the comments of the complainant as "bordering on industrial scale racism". In these circumstances, the Committee did not establish that it was significantly misleading for the newspaper to report that the MP had been accused of "industrial scale racism" by a leader of the complainant. The Committee did not establish that the omission of the wider context in which the criticisms of the MP had been made, or the further "caveats" which the complainant said were contained in the March 2018 report, rendered the articles misleading. This aspect of the complaint did not breach Clause 1.

43. The seventh article did not claim that the complainant was part of a general policy of the named Trust to give grants to charities involved in alleged terror activities. Care was taken to make clear that the criticism directed towards the Trust in respect of its funding arrangements with the complainant, was based on the complainant's response to the MP's opinion piece. This aspect of the complaint did not breach Clause 1.

44. Clause 1(iii) places an obligation upon a publication to provide a fair opportunity to reply to significant inaccuracies, when reasonably called for. This is distinct from a publication's obligation to correct under the terms of Clause 1(ii). In response to the complainant's request, the newspaper had offered an opportunity for the complainant to submit a letter for publication. The Committee considered that such an opportunity was fair, given the significant inaccuracy which it had established above. There was no breach of Clause 1(iii).

45. Clause 12 provides protections for identifiable individuals against irrelevant, prejudicial or pejorative references to certain characteristics specified under the Code. The articles under complaint contained no such reference and the Committee did not conclude that the concerns raised by the complainant engaged the terms of Clause 12.

Conclusions

46. The complaint was upheld in part under Clause 1 (i).

Remedial Action Required

47. The headline on p.7 of the first print article had made the categorical claim that the March 2018 report had led to the MP receiving death threats. At its first opportunity, the newspaper had accepted that the death threats made against the MP since the publication of the March 2018 report, had not been directly linked to the report itself. The newspaper corrected the online version of the first article accordingly and offered to do the same in print. The Committee welcomed the newspaper's prompt action. The wording made clear the correct position that no death threats made at that time were attributable to the March 2018 report. The Committee considered that the publication of this wording in the newspaper's established Corrections and Clarifications column as well as online, represented due prominence. The remedial action taken by the newspaper was sufficient to meet the terms of Clause 1(ii). No further action was required.

APPENDIX B

Decision of the Complaints Committee

07925-18 Partlett v express.co.uk

Summary of Complaint

1. Tim Partlett complained to the Independent Press Standards Organisation that express.co.uk breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Britain will be BETTER OFF after Brexit: Poll shows businesses BRIMMING with confidence", published on 12 August 2018.

2. The article claimed that a poll, commissioned by a group that represents businesses in the maritime industry, found that most of its members "feel Britain would become stronger after Brexit".

3. The article reported some of the specific findings of the poll. It said that 507 business leaders had been interviewed, and that 63% of those surveyed had reported that they'd experienced an export boost since the Brexit referendum, and 59% said that they had not experienced any difficulties recruiting skilled workers over the last 12 months. The article reported that most of those polled supported the Chequers plan, but thought a no deal scenario was most likely. The article included a comment from the chairman of the group which conducted the poll, who said that the poll showed that members feared a no-deal Brexit, but that "businesses nevertheless relish the prospect of future trade opportunities". The director of the group was also quoted in the article, and echoed this view.

4. The complainant said that it was inaccurate to state that the poll had found that the participating businesses believed that Britain would become stronger after Brexit; the poll had asked no such question of the respondents, and nothing in the poll indicated this belief. The complainant provided the full findings of the poll. The first part of the poll had asked respondents about their support for the Chequers plan, and their predictions and preparations for a no-deal Brexit. The poll had gone on to ask respondents how concerned they were about the impact of a no-deal Brexit on a number of different issues. For each one, a majority were either somewhat concerned or very concerned. The next set of questions had asked the respondents to rank the top three areas in which they believed there will be the greatest opportunity once the UK left the EU. The areas were regulation, international trade, taxation, public procurement, industrial strategy, skills development and foreign policy. The final set of questions asked about respondents' levels of exports, and their access to skilled labour. The complainant said the article had suggested that the poll had directly asked respondents whether Britain would be better off after Brexit, as opposed to remaining in the EU, when this was not the case.

5. The publication did not accept that there was a breach of the Code. It said that the author of the article believed that the poll and the statements from the leaders of the business group showed that the respondents believed that Britain would become stronger after Brexit. It said that the poll showed that members believed that Brexit would provide economic advantages over the status quo and that the business group's own press release showed that it considered that the poll showed that its members were optimistic about trade opportunities after Brexit, as there was "…an

opportunity for Britain to renew its role as a global trading, maritime nation." The publication said that this poll was clearly a celebration of Brexit.

Relevant Code Provisions

6. Clause 1 (Accuracy)

   i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
   ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.
   iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.
   iv) The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.

Findings of the Committee

7. The headline, sub-headline, and first line of the article had made categorical claims of fact about the findings of the poll, which were not presented as conjecture or as the interpretation of the body which had carried out the poll. The assertions that those polled were "brimming with confidence" about Brexit, and believed that Britain would be "stronger" or "better off" after leaving the European Union, were not supported by the findings quoted in the article, or the complete data. The poll had not asked respondents whether they believed that leaving, as opposed to remaining in the EU, would be better for the UK. The positive responses on exports and staff recruitment reflected respondents' views on the situation since the Brexit vote, and were not a prediction as to what might happen after the UK's departure from the EU. The publication had failed to take care in reporting the findings of the poll and had given a significantly inaccurate account of its conclusions. There had been no offer of correction. There was a breach of Clause 1 (i) and Clause 1 (ii).

Conclusions

8. The complaint was upheld

Remedial action required

9. Having upheld a breach of Clause 1, the Committee considered what remedial action should be required.

10. The publication had published a significantly misleading article which distorted the findings of the poll, which was the basis of the entire article. In these circumstances, the appropriate remedy was the publication of an adjudication.

11. The article had appeared online only. The adjudication should therefore be published online, with a link appearing in the top 50% of the homepage for 24 hours; it should then be archived in the usual way. The headline of the adjudication must make clear that IPSO has upheld the complaint against the express.co.uk, and refer to its subject matter. It must be agreed with IPSO in advance.

12. The terms of the adjudication for publication are as follows:

Tim Partlett complained to the Independent Press Standards Organisation that express.co.uk breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Britain will be BETTER OFF after Brexit: Poll shows businesses BRIMMING with confidence", published on 12 August 2018. The complaint was upheld and express.co.uk has been required to publish this ruling as a remedy to the breach of the Code.

The article reported that a poll, commissioned by a group that represents businesses in the maritime industry, found that most of its members "feel Britain would become stronger after Brexit". The complainant said that the poll had found no such thing, and the publication had distorted its finding.

The publication said that the author was entitled to interpret the poll as he saw fit, and had relied on a press release from the business group who had conducted the poll. It said that the article was not a misleading report of the poll.

IPSO found that headline, sub-headline first line of the article and had made categorical claims of fact about the findings of the poll which were not supported by the poll data. The publication had failed to take care in reporting the findings of the poll and had given a significantly inaccurate account of its conclusions, in breach of Clause 1.

APPENDIX C

Decision of the Complaints Committee

06046-18 Sher-e Panjab v The Sun on Sunday

Summary of Complaint

1. Sher-e Panjab complained to the Independent Press Standards Organisation that The Sun on Sunday breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "GANGS FIGHT TO RUN WORST JAIL IN BRITAIN" published on 26 August 2018.

2. The article reported that eight named "gangs" were "battling to control the drugs trade in Britain's most dangerous prison". The article explained that sources had told the newspaper that "young and inexperienced" staff at a named prison were being "forced to smuggle in drugs or just to turn a blind eye"; it said that "last week" the private security firm in charge of the prison had been "stripped of control". The article reported that a gang named Sher-e Panjab was one of the eight "gangs" in the prison; it also reported that it had a rivalry within the prison with a group named the "Muslim panthers", which "dated back decades".

3. The article was also published in substantially the same form online, under the headline: "DRUG BATTLE: Eight gangs in fight to run the drugs trade in Britain's most dangerous prison", dated 26 August 2018.

4. The complainant said that the article had given the inaccurate impression that it was a gang which was involved in a "fight to run" the prison, in breach of Clause 1.

5. The complainant said that it was a social and welfare organisation that had been registered with Companies House. It said that the main aim nowadays of the organisation was to raise awareness of the racial discrimination, social problems and injustice that Sikh-Panjabi communities suffered across the world. The complainant denied that any members of its organisation were currently incarcerated in the prison. The complainant acknowledged that there may be prisoners who claim to be members of Sher-e Panjab for self-glorification purposes, as they may know of the community work which it undertook.

6. The complainant denied that it had a gang-related rivalry "dating back decades" with a gang named the Muslim Panthers. The complainant acknowledged that as an organisation, it had sought to protect the Sikh community from alleged criminal activities that were being committed by members of this group, but denied that this was in the context of gang related activity.

7. The complainant expressed concern that the newspaper had failed to contact it prior to publication, despite the fact that it had an email address and it had a social media presence, including accounts on Facebook, Twitter, and Tumblr. It said that it held meetings in Sikh Gurdwaras, seminars in Colleges, universities and Gurdwaras and had been liaising with the local police to deal with issues affecting the Sikh community. The complainant said that these activities were not the activities of a criminal gang, and noted than none of the other seven groups named in the article had any online presence.

8. The newspaper did not accept a breach of the Code; it said that Sher-e Panjab had long been considered a gang and had been referred to as such, without complaint, since the 1980s.

9. The newspaper said that the reporter had spoken to multiple sources across the Sikh community in the West Midlands, the prison community, the Prison Service, and people with decades of experience of dealing with gang issues in Birmingham and the wider area. The journalist had been told that Sikhs incarcerated in the prison in recent years had boasted of either being Sher-e Panjab members, or having strong links with the group. He had also been told that while gang rivalries ebbed and flowed over time, the rivalry between Sher-e Panjab and the Muslim gang referred to in the article still existed, especially amongst younger generations. The newspaper said that given the nature of the story, these sources had spoken off the record. The newspaper said that the journalist had dealt with some of these sources for more than 15 years and therefore had every faith in the information he had been provided with. The newspaper said it was unable to provide further details because of the need to protect its confidential sources.

10. The newspaper provided a number of reports from other publications which characterised Sher-e Panjab as a gang. The newspaper noted that in 1988, the BBC had broadcast a documentary entitled: "Gang Warfare in Birmingham" which specifically named Sher-e Panjab and described it as one of the "biggest gangs in the Midlands". The newspaper noted that the documentary had described the group's aim as being the prevention of relationships between Sikh women and Muslim men.

11. The newspaper provided a court report, dated June 1989; it said that the defendants in the trial were "said to be members of the Sher-e Panjab, a vigilante gang, who were arrested - armed with sticks and bottles - while on their way to confront the rival Muslim gang, the Aston Panthers, in Handsworth, Birmingham, last June". An article published in 1999 reported: "In the West Midlands the Sher-e-Panjab and Panther activity was at its height in the 1980s but incidents were mainly confined to petty crime and drunken brawls after Asian dance parties. Now the same young men are more likely to own the club from huge profits made out of importing drugs, bank fraud, immigration rackets and prostitution". A further article provided by the newspaper, dated from April 2003, referred to Sher-e Panjab as one of a number of gangs in Birmingham.

12. The newspaper said that it did not contact the complainant prior to publication, because gangs do not have press offices, nor do they usually have centrally-held lists of all current members. The newspaper said that the article was an investigation into long-standing issues within the prison, and was not a list of prisoners and their gang affiliations as of the date of publication. However, the newspaper did not accept that no members of Sher-e Panjab were in the prison when the article was published, as the complainant had claimed. It said that, in any case, the complainant was not in a position to claim which individuals incarcerated in the prison do, or do not, identify themselves as members of Sher-e Panjab. The newspaper noted that no official figures on gang memberships in prisons exist.

Relevant Code Provisions

13. Clause 1 (Accuracy)

i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.
iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.
iv) The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.

Clause 14 (Confidential sources)

Journalists have a moral obligation to protect confidential sources of information.

Findings of the Committee

14. A gang "known as the Sher-e Panjab" was identified as one of eight gangs involved in a fight to run a well-known prison. Save for an apparent rivalry which existed between this group and another, the article did not make any further specific claim regarding the activities of this group, or its members.

15. The name "Sher-e Panjab" had been referred to in a variety of contexts since the 1980's, including in reports of Birmingham's gang culture. This was clear from the cuttings which the newspaper had provided in defence of the complaint; one such article was a court report which had specifically referred to the defendants in the case as being members of a gang named Sher-e Panjab. The Committee acknowledged that the complainant shared a common name, however, in its capacity as a social welfare organisation, the complainant was not in a position to dispute the claims made by the newspaper's confidential sources that inmates incarcerated in the prison in recent years had claimed to be members of a group named Sher-e Panjab. The article did not claim that the complainant as an organisation was, or might, be involved in the alleged activities set out in the article. Furthermore, the complainant had accepted that it was possible that inmates in the prison were choosing to self-identify as members of Sher-e Panjab.

16. Taking into consideration the factors referred to above, it was not a failure to take care to report that members of a "gang" named Sher-e Panjab were involved in a gang "rivalry" and "fight" to run the prison. In such circumstances, and particularly where it had been acknowledged that inmates in the prison may be associating themselves with the name Sher-e Panjab, the Committee did not establish that the article had contained any inaccuracy which required correction under the terms of Clause 1 (ii). There was no breach of Clause 1.

Conclusion

17. The complaint was not upheld.

Remedial Action Required

N/A